

Minutes Tempe Police Public Safety Personnel Retirement System Board October 1, 2015

Minutes of the Tempe Police Public Safety Personnel Retirement System Board meeting, held on Thursday, October 1, 2015, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Kelly McMenemy
Jeff Millen
Dr. Russell Schoeneman

Board Members Absent:

Mark W. Mitchell, Mayor
Joe Brosius

City Staff Present:

Renie Broderick, Internal Services Director
Chris Hansen, Risk Manager
Wendy Messina, HR Program Coordinator
Susan Buck, Executive Assistant

Legal Counsel Present:

Cynthia Kelley

Jeff Millen called the meeting to order at 2:00 p.m.

ITEM I - Consideration of Meeting Minutes

Motion by Kelly McMenemy to approve the Police PSPRS Board Meeting Minutes of September 3, 2015; second by Dr. Russell Schoeneman. Motion passed unanimously on a voice vote 3-0.

ITEM II - Public Appearances

There were no public appearances.

ITEM III - Motion to Adjourn to Executive Session, if necessary

Motion by Kelly McMenemy to adjourn to Executive Session; second by Dr. Russell Schoeneman. Motion passed unanimously on a voice vote of 3-0. The Board convened into Executive Session at 2:02 p.m.; the meeting was called back to order at 2:26 p.m.

ITEM IV – New Members

Motion by Kelly McMenemy to approve the new member applications of **Mitchell G. Manning** (Lateral), **Dustin R.R. Patterson** and **Michael R. Powell** (Lateral) with pre-existing conditions as noted; second by Dr. Russell Schoeneman. Motion passed unanimously on a voice vote 3-0.

ITEM V – Prior Service

The Board acknowledged the prior service purchase of:

- **Kelly McMenemy**, 1.047 years – Military
- **Chris Miller**, 0.120 years – Arizona State Retirement System

ITEM VI – Application to Enter Into Deferred Retirement Option Plan (DROP) Program

Motion by Kelly McMenemy to approve the application of **Stephen A. Laird** to enter into the Deferred Retirement Option Plan (DROP) Program; second by Dr. Russell Schoeneman. Motion passed unanimously on a voice vote 3-0.

ITEM VII – Initial Hearing for Accidental Disability Benefits:

Motion by Kelly McMenemy to deny the application for Accidental Disability Benefits of **James Click** due to lack of evidence of a permanent disability; second by Dr. Russell Schoeneman. Motion passed unanimously on a voice vote 3-0. Dr. Schoeneman asked if the lack of evidence of a permanent disability was the only issue that needed to be stated as a reason for denial. Board Legal Counsel Cynthia Kelley stated that there are multiple issues to be looked at, but in this case there isn't evidence of a doctor stating that this is a permanent disability. Boardmember McMenemy noted that without evidence of a permanent disability, there is no basis to send the applicant to an Independent Medical Exam (IME).

ITEM VIII - Status Update on Pending Disability Application:

HR Program Coordinator Wendy Messina provided an update on the pending Application for Disability Benefits for **Steven J. Anderson**. Mr. Anderson went to his Independent Medical Exam (IME) on September 22, 2015. Ms. Messina did not receive the report from the doctor until yesterday, which was after the submittal deadline for inclusion in today's Board meeting packet. The IME report will be on the November 5, 2015 meeting agenda for the Board to review.

ITEM IX – Update from Local Board Secretary - Non-Pensionable Work & Eligibility for Disability Benefits

Local Board Secretary Renie Broderick stated that at the September Board meeting, Mayor Mitchell requested that she have a follow-up discussion regarding this item with City Manager Andrew Ching. The meeting also included Brenda Buren and John Rush of the Police Department and was a discussion of the issue of off-duty, non-pensionable overtime work and how it may or may not affect applications for a PSPRS disability pension. Essentially, any police officer who is doing off-duty, non-pensionable overtime work and is injured can apply to the Local Board for a disability pension. There are a number of categories of disability pensions; the one the Board sees most often is Accidental Disability because it is a work-related disability. In a situation where the injury occurs on off-duty, non-pensionable overtime, it depends on the circumstances of actual injury. If the overtime work that leads to an injury is a police action, then it would be eligible under Accidental Disability; if it is not a police action, it may not be eligible. It is up to the determination of the Local Board. The key point is that person would still be eligible for a *type* of disability pension; it may be an Ordinary Disability pension instead of Accidental Disability, but they would still be eligible. Boardmember Millen stated that people can still apply for benefits, but other factors such as the interpretation of non-pensionable vs. pensionable work might have to be sorted out first. Ms. Kelly stated that ultimately it is up to the Local Board to look at the application, determine what the applicant was doing at the time of injury and take action based on that. The State could agree or disagree and send it back to the Board. The Board discussed the different types of disability benefit calculations and their tax implications. Ms. Broderick stated that staff will provide some examples of benefit calculations for various scenarios at the next Board meeting. Ms. Kelly stated there is a chart online that shows the different calculations. Boardmember McMenemy stated that her original questions from the September Local Board meeting were answered – the Board needs to determine if someone is just taking action or if they are taking *police action* when injured in order to determine which disability applies.

ITEM X – PSPRS News Release

Jeff Millen noted that the 09/10/15 PSPRS News Release regarding 2015 Investment Returns had been distributed to the Board.

ITEM XI – Future Meeting Date

The next meeting is scheduled for November 5, 2015. Boardmember McMenemy stated that she will not be able to attend the November 5, 2015 meeting.

ITEM XI – Future Agenda Items

- Local Board 2016 Meeting Calendar

Adjournment

Motion by Kelly McMenemy to adjourn; second by Russell Schoeneman. Motion passed unanimously on a voice vote 3-0. The meeting adjourned at 2:45 p.m.



Renie Broderick
Local Board Secretary